IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2705 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

SHUBHLAXMI GRAHAK SAHAKARI BHANDAR LIMITED - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :

MR BP MUNSHI for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1 - 3.

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 01/02/2006

ORAL JUDGMENT

1.By way of this petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the legality and validity of the order passed by the Deputy Secretary, Food and Civil Supply, State of Government dtd.14-12/2/1996 in Revision Application No.125 of 1993 in dismissing the same and confirming the order passed by the Collector, Ahmedabad dtd.30/10/1996 in Appeal No.30 of 1993 by which, the authorisation in favour of the petitioner to run the fair price shop has been cancelled.

2.Apart from the fact that there are concurrent finding of fact recorded by all the authorities below, the learned Single Judge of this Court

passed order dtd.25/10/2005 directing the respondent to verify whether any irregularity is committed thereafter or not.

3.Ms.Archana Raval, learned AGP upon the instructions from the office of the Collector, Ahmedabad has submitted that there is no question of further irregularity, as the fair price shop itself is closed since 1992.

4.Mr.Munshi, learned advocate appearing on behalf of the petitioner has submitted that he has also tried to contact the petitioner by sending RP Ad. Posts, but the same are returned unserved and therefore, he has also no further instructions.

5.In view of the above and considering the fact that the fair price shop itself is closed since 1992 and by now 14 years have been passed, without entering into the merits of the case,

the present petition is dismissed. Rule is discharged. Ad-interim relief granted earlier, if any, stands vacated forthwith. However, there will be no order as to costs.

(M.R.SHAH,J.)

rafik